

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

KENNETH PRICE, #150784,
a.k.a., KENNY PRICE,

Petitioner,

v.

J. C. GILES, et al.,

Respondents.

)
)
)
)
)
)
)
)
)
)
)

CIVIL ACTION NO. 2:06-CV-236-WKW

ORDER

Upon review of the objection filed by the petitioner on June 16, 2006, and as the evidentiary materials submitted in this case demonstrate that the petitioner raised the void indictment and unlawful sentence claims in his Rule 32 petition, it is

ORDERED that the Recommendation entered on May 17, 2006 be and is hereby WITHDRAWN. It is further

ORDERED that on or before July 5, 2006 the respondents shall file a supplemental answer which addresses the petitioner's assertion that the void indictment and unlawful sentence imposed upon him violated his constitutional rights. If this court is barred from reviewing these claims due to the petitioner's failure to properly present them to the state courts, the respondents shall so advise the court and provide a basis for any alleged procedural default.

DONE, this 21st day of June, 2006.

/s/ Susan Russ Walker

SUSAN RUSS WALKER

UNITED STATES MAGISTRATE JUDGE

